

9 FAM Appendix C, VIETNAM

(TL:VISA-488; 11-07-2002)

RECIPROCITY

(TL:VISA-488; 11-07-2002)

Class	Fee	No. Applications	Validity
A-1	NONE	MULTIPLE	12 MONTHS
A-2	NONE	MULTIPLE	12 MONTHS
A-3 [1]	NONE	MULTIPLE	12 MONTHS
B-1	NONE	MULTIPLE	12 MONTHS
B-2	NONE	MULTIPLE	12 MONTHS
B-1/B-2	NONE	MULTIPLE	12 MONTHS
C-1	NONE	TWO	3 MONTHS
C-1/D	NONE	TWO	3 MONTHS
C-2	NONE	TWO	3 MONTHS
C-3	NONE	TWO	3 MONTHS
D	NONE	TWO	3 MONTHS
E-1 [2]	NO TREATY	N/A	N/A
E-2 [2]	NO TREATY	N/A	N/A
F-1	NONE	MULTIPLE	12 MONTHS
F-2	NONE	MULTIPLE	12 MONTHS
G-1	NONE	MULTIPLE	12 MONTHS
G-2	NONE	MULTIPLE	12 MONTH
G-3	NONE	MULTIPLE	12 MONTHS
G-4	NONE	MULTIPLE	12 MONTHS
G-5 [1]	NONE	MULTIPLE	12 MONTHS
H-1B	NONE	ONE	3 MONTHS [3]
H-1C	NONE	ONE	3 MONTHS [3]
H-2A	NONE	ONE	3 MONTHS [3]
H-2B	NONE	ONE	3 MONTHS [3]
H-3	NONE	ONE	3 MONTHS [3]
H-4	NONE	ONE	3 MONTHS [3]
I	NONE	ONE	3 MONTHS
J-1 [4]	NONE	MULTIPLE	12 MONTHS
J-2 [4]	NONE	MULTIPLE	12 MONTHS
K-1	NONE	ONE	6 MONTHS
K-2	NONE	ONE	6 MONTHS
K-3	NONE	MULTIPLE	24 MONTHS
K-4	NONE	MULTIPLE	24 MONTHS
L-1	NONE	ONE	3 MONTHS [3]
L-2	NONE	ONE	3 MONTHS [3]
M-1	NONE	TWO	3 MONTHS
M-2	NONE	TWO	3 MONTHS
N-8	NONE	MULTIPLE	12 MONTHS
N-9	NONE	MULTIPLE	12 MONTHS
NATO 1-7	N/A	N/A	N/A
O-1	NONE	ONE	3 MONTHS [3]

O-2	NONE	ONE	3 MONTHS [3]
O-3	NONE	ONE	3 MONTHS [3]
P-1	NONE	ONE	3 MONTHS [3]
P-2	NONE	ONE	3 MONTHS [3]
P-3	NONE	ONE	3 MONTHS [3]
P-4	NONE	ONE	3 MONTHS [3]
Q-1 [6]	NONE	ONE	3 MONTHS [3]
R-1	NONE	ONE	3 MONTHS
R-2	NONE	ONE	3 MONTHS
S-5 [7]	NONE	ONE	1 MONTH
S-6 [7]	NONE	ONE	1 MONTH
S-7 [7]	NONE	ONE	1 MONTH
T-1 [9]	N/A	N/A	N/A
T-2	NONE	ONE	6 MONTHS
T-3	NONE	ONE	6 MONTHS
T-4	NONE	ONE	6 MONTHS
TD [5]	N/A	N/A	N/A
V-1	NONE	MULTIPLE	120 MONTHS
V-2	NONE	MULTIPLE	120 MONTHS [8]
V-3	NONE	MULTIPLE	120 MONTHS [8]

[A] The U.S. Government recognizes the Government of the Socialist Republic of Vietnam (SRV) De Jure for purposes of INA 101(A)(15)(A) and (G). Posts may issue to eligible SRV official applicants all categories of "A" or "G" visas.

SPECIAL CLEARANCE AND ISSUANCE PROCEDURES

General

(TL: VISA-375; 03-21-2002)

Submission of Visa Applications and Photographs

A copy of the Form DS-156, *Nonimmigrant Visa Application*, of all nonimmigrant visa recipients, with a recent, original photograph firmly affixed (two photographs in the case of professional diplomatic couriers), must be sent directly and expeditiously to the Northeast Regional Computer Support Center, 1203 Nealis Avenue, Fort Monmouth, New Jersey 07703, Attention: Dept. IIS. This procedure is in addition to the Security Advisory Opinion (SAO) requirements listed below. Exceptions to this procedure are:

(1) No application or photograph need be submitted in cases involving Chiefs and Deputy Chiefs of State, Heads of government, Chiefs of Mission, their immediate families and accompanying crew members.

(2) No photograph need be provided if one has been submitted within the previous three years.

Nonofficial Travel

(TL:VISA-245; 03-19-2001)

The requirement for submission of VISAS EAGLE cables following the issuance to all applicants for F-1 visas coming to study in a non-scientific or technical field has been eliminated. No special clearance is necessary for Vietnamese students now, except for those graduate students in scientific and technical fields, as outlined below in the VISAS DONKEY MANTIS procedures.

VISAS EAGLE Name Checks

(TL:VISA-245; 03-19-2001)

VISAS EAGLE Cables are required for the following Vietnamese visa applicants:

(1) Former members of the military above the rank of major general (all members of the ARVN, army of South Vietnam, excluded);

(2) Former members of the central government above the equivalent of an office director (all members of the RVN, former government of South Vietnam, excluded);

(3) Current members of the military and the central government of the ranks outlined above who are not covered by a VISAS HORSE or VISAS BEAR cable or when traveling privately; and

(4) Government sponsored delegations not covered by VISAS HORSE or VISAS BEAR requirements and which meet the criteria outlined below.

NOTE: EAGLE Name Checks are not required for local or provincial officials unless such officials also play a significant role in the central government or in national party politics. The determination as to which politicians meet this criterion is left to posts.

Government Sponsored Delegations

(TL:VISA-245; 03-19-2001)

Recognizing that many delegations in Vietnam are nominally state-sponsored, posts in Vietnam may use their discretion to decide which groups must be forwarded as EAGLE Name Checks. The following criteria should be used:

(1) Is the delegation traveling on official business with the U.S. Government or an international organization? If so, submit post-issuance VISAS HORSE (or a VISAS BEAR for individuals with class hits);

(2) Is the delegation concerned chiefly with fields listed on the Technology Alert List (TAL)? In such a case, post must submit a VISAS DONKEY MANTIS Security Advisory Opinion and wait for a Department response (see below);

(3) If the delegation is chiefly concerned with telecommunications, primary industries like steel or oil, security-related or dual usage (military and/or other items), an EAGLE Name Check is required;

(4) The level of participants in the delegation is also a factor for consideration. From state-owned enterprises, individuals with the title of vice-director and above in any of the industries outlined in criteria C should be cleared through the VISAS EAGLE process; and

(5) Other delegations (where the subject of the visit remains outside of the fields mentioned above, or where the level of participants is lower than that which would normally trigger an EAGLE Name Check) where the itinerary might be of interest should be considered for submission as a VISAS EAGLE Name Check.

VISAS EAGLE Expedited as VISAS DONKEY

(TL:VISA-245; 03-19-2001)

VISAS EAGLE Name Checks may be processed to conclusion ten working days after submission of the VISAS EAGLE cable unless otherwise advised by the Department. Posts should encourage applicants to apply with sufficient processing time. Those few cases that are deemed emergencies or where U.S. Government interests may be adversely affected by the ten-day waiting period may be submitted as an expedited VISAS DONKEY. While posts are expected to use the normal route for EAGLE Name Check processing, this avenue is available for limited emergency cases.

VISAS DONKEY MANTIS

(TL:VISA-235; 02-05-2001)

All cases involving potential technology transfer should be reported in a VISAS DONKEY MANTIS cable Post should review. The applications of all graduate students, business travelers, and temporary workers in scientific and technical fields with reference to the revised Technology Alert List (TAL). Once post submits a DONKEY MANTIS, the Department's response is required prior to visa issuance. The following information should be included in all Donkey Mantis cables:

- (1) Date and place of birth;
- (2) Occupation and place of employment;
- (3) Educational background;
- (4) Specific field of study or work;
- (5) Purpose of trip to the United States;
- (6) Proposed travel dates; and
- (7) Point(s) of contact in the United States

NOTE: Lack of detailed information in these categories may result in processing delays.

Official Travel

VISAS HORSE Name Check Requests

(TL:VISA-176; 02-06-1998)

A VISAS HORSE telegram must be submitted immediately following the issuance of "A", "C-3", or "G" visas.

VISAS BEAR Security Advisory Opinions (SAO) Requests

(TL:VISA-288; 05-30-2001)

Official and diplomatic visa applicants, who otherwise require security advisory opinions (SAOs) such as "00" CLASS entries, or possible ineligibilities under INA 212(a)(3), must be submitted by means of a VISAS BEAR telegram. Department response is required prior to issuance.

DOCUMENTS AND RECORDS

General

(TL:VISA-176; 02-06-1998)

Vietnam has no central recorded system. Many records have been lost through war and inconsistent record keeping, but larger cities may have old documents on file, and records from the north are generally available. Registrars will sometimes certify that certain documents were lost or destroyed. Records for Ho Chi Minh City (Saigon)-Cholon since 1953 are kept at the Central Registrar's office of the Ministry of the Interior (Phong Ho Tich So Tu Phap) in Ho Chi Minh City (HCMC). Some pre-1954 records from Haiphong, formerly North Vietnam, are now at the Central Court of Records in HCMC and are available for extracting. Fraudulent civil documents are common in Vietnam and it has been relatively easy to establish false identities both before and after 1975.

When primary documents are unavailable, secondary evidence regarding Vietnamese who fled their country beginning in April 1975 may be available from the individual and his or her refugee record. If the applicant received first asylum in Taiwan, cable AIT - Taipei; if in Thailand, cable the U.S. Embassy in Bangkok, Thailand and slug for ODP; if elsewhere in east or southeast Asia, cable the U.S. Embassy in Bangkok, Thailand and slug for RMA/ODP.

Police and Prison Records

(TL:VISA-375; 03-21-2002)

Available.

Residents: Requests for a "Justice Record Check" (Phieu Ly Lich Tu Phap) are made at the Department of Justice office in an individual's district or official residence. The official residence is that registered in the "household registry" (Ho Khau) issued by the district police. There is a fee. The record check takes approximately three weeks to complete. The record check must be initiated in the district listed in the household registry as the citizen's official residence.

Non-Residents: Vietnamese citizens living abroad may request the "Justice Record Check" through the Vietnamese Embassy in their current country of residence. They may also request the "Justice Record Check" in person at their last place of residence in Vietnam, as reflected in their household registry.

Foreigners: Foreigners who reside or resided in Vietnam should contact the Vietnamese Department of Immigration in the district in which they currently reside and/or formerly resided to request the "Justice Record Check."

Military Records

(TL:VISA-176; 02-06-1998)

Unavailable.

Extracts of Birth, Marriage and Death Certificates

(TL:VISA-176; 02-06-1998)

Residents: Requests for extracts of previously issued certificates are made at the registrar's office where they were issued, and should include the document registration number, date and place of registration. Without this information, fees may be higher and it is less likely the document will be found.

Non-Residents: Only relatives resident in Vietnam may request extracts of documents for their relatives abroad. Documents cannot be requested through a Vietnamese diplomatic mission, nor can a request be sent to a local office from abroad.

Birth Registration

(TL:VISA-176; 02-06-1998)

Vietnamese law does not distinguish between children born out of wedlock and legitimate children. If the father recognizes the child, either parent may file the birth certificate, which must be registered within 30 days at the People's Committee of the village, ward or district capital where at least one parent is resident. Late registration is permitted with reason. A court must resolve claims or denials of paternity after a certificate has been issued. Legally, two U.S. citizens not resident in Vietnam may register the births of their children born there, but in practice local authorities have denied requests unless one parent is legally resident. Birth certificates after 1989 are white with green background designs and with the national emblem in red. Before 1989, each locality had its own format. Originals have one line listing registration date. Extracts list both registration and extract dates. Usually, however, no distinction is made between an extract and an official copy.

Marriage Certificates

(TL:VISA-176; 02-06-1998)

Non-Vietnamese nationals married or divorced in Vietnam and now seeking a record of the marriage should write to: Justice Service (Phong Dich Vu Phap Ly So Tu Phap), Ho Chi Minh City.

Request should include the list date and location of marriage. The INS will usually respond, but without friends or relatives to follow up, the process may be lengthy.

Common Law Marriage and Marriage of Relatives

(TL:VISA-176; 02-06-1998)

Vietnamese law does not recognize common-law marriages. Authorities do issue certificates verifying cohabitation but these do not constitute legal marriages. Vietnamese law prohibits marriage between blood siblings, half siblings, first cousins or any two persons related closer than three degrees of separation. The legal age for marriage is 20 for men, 18 for women.

Divorce Records

(TL:VISA-176; 02-06-1998)

Divorce records are maintained by the courts where they were issued.

Death Certificates

(TL:VISA-176; 02-06-1998)

Families or responsible agencies (for foreigners, certain hospitals) must report deaths within 24 hours to the People's Committee of the village, district capital or ward where the deceased resided. The People's Committee can issue the death certificate, as can a hospital or the investigation police.

Household Registries

(TL:VISA-176; 02-06-1998)

Every person residing in Vietnam must be listed on a household registry (Ho Khau), maintained by the Public Security Bureau.

Copies of old registries are sometimes available. Mention of a spouse or child in a registry does not prove legal marriage or blood relationship. Cohabitants and foster children can appear as spouses and children.

Passports and Travel Documents

(TL:VISA-176; 02-06-1998)

The following are considered to meet the requirements of INA 101(a)(30).

(1) A Socialist Republic of Vietnam (SRV) passport (ho chieu, or giay ho chieu). SRV regulations effective November 26, 1997, abolished exit and entry permits in Vietnamese passports.

(2) A laissez-passer (giay thong hanh or giay xuat canh) permitting only exit from Vietnam.

Passports are generally valid for five years and are made of blue plastic-laminated paper with gilt print on the cover. Official passports are dark green, while diplomatic passports are maroon. The bearer's photo is on an inside page, with a dry impression seal and sometimes a clear plastic laminate over the photo. The issuance page shows the name stamp and "stamp of office" of one of several issuing authorities.

VISA ISSUING POST

(TL:VISA-302; 08-06-2001)

Hanoi (E) NIV except K.

Ho Chi Min City All categories.

The consular section of the Embassy is located at 6 Ngoc Khanh Street, Dong Da, Hanoi, Vietnam.

Telephone: 011 (84) (4) 772-1500.

Fax: (84) (4) 772-1510

The Consulate is located at 4 Le Duan Street, District 1, Ho Chi Minh City, Vietnam.

Telephone: 011 (84-8) 822-9433